

**TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING - MONDAY, MARCH 2, 2015, LEGISLATIVE CHAMBER,
ROOM 314, TOWN HALL, WEST HARTFORD, CT 06107**

MINUTES

CALL TO ORDER/ROLL CALL: 7:00 P.M.

ATTENDANCE: Kevin Ahern, Chair; Vice Chair: Kevin Prestage; Commissioner: Paul Freeman; Alternate: John O'Donnell; Todd Dumais, Town Planner/TPZ Secretary; Catherine Dorau, Associate Planner.

ABSENT: Commissioners: Michael Seder and Michele Maresca; Alternates: Liz Gillette and Mishone Donelson; Patrick Alair, Corporation Counsel.

ADJOURNMENT: Motion/O'Donnell; Second/Prestage (O'Donnell seated for Seder 4- 0). Meeting adjourned at 9:10 PM

MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.

ANNUAL MEETING: TPZ election of officers, selection of committee representatives and approval of rules and regulations
Postponed to April 6, 2015

MINUTES:

1. Approval of Minutes:
 - a. Minutes of the Regular Meeting, Monday, December 1, 2014.
Motion/Prestage; Second/O'Donnell (O'Donnell seated for Seder)
Vote: 3-0 Voting: Ahern, Prestage and O'Donnell
 - b. Minutes of the Regular Meeting, Monday, January 5, 2015. *Postponed to April 6, 2015*

COMMUNICATIONS:

2. Annual Reports:
 - a. TPZ Report of Activities to Town Council
Motion/Prestage; Second/O'Donnell (O'Donnell seated for Seder)
Vote: 4-0
DRAC Report of Activities to TPZ - *Received*

NEW BUSINESS:

245 Prospect Avenue & 27 Park Road - Application (IWW #1025) of Wakefern Food Corporation and Sisters of Saint Joseph (Patrick O'Leary, Contact), requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. The applicant (Shoprite) seeks to modify an existing truck turnaround to allow tractor trailers to maneuver within the limits of the subject property. No direct impact to the regulated upland review area is proposed. The applicants request a fee waiver. (Submitted for IWWA receipt on March 2, 2015. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (4-0)** (Motion/O'Donnell; Second/Freeman)(O'Donnell seated for Seder) to find the proposed regulated activity to be **NON-SIGNIFICANT**. The IWWA directed that the wetland permit be issued subject to full compliance with Town Erosion and Sedimentation Control requirements.

The Agency also gave consideration to your fee waiver request. The IWWA acted by **unanimous vote (4-0)** (Motion/O'Donnell; Second/Freeman)(O'Donnell seated for Seder) to **grant** the waiver request.

By this letter the IWWA is transmitting a notice of IWW permit approval. Please note that consistent with Section 9.1 of the Town of West Hartford Inland Wetlands and Watercourses Regulations, the effective date of this permit is March 17, 2015. This notice is given to the West Hartford Town Clerk and to the State of Connecticut Department of Environmental Protection per the requirements of the Inland Wetlands and Watercourses Regulations.

110 Beechwood Road – Application (SUP #1229-R1-15) of West Hartford Public Schools & Conard and Hall Unite for Light (Helen Rubino-Turco, Director of Leisure Services, Town of West Hartford) requesting TPZ review pursuant to Section 177-42A(8) of the West Hartford Code of Ordinances of the conditions of SUP #1229 approved on March 4, 2013 for the installation of permanent athletic field lighting at Conard High School McKee Stadium Field. (Submitted for TPZ receipt on March 2, 2015. Suggest required public hearing be scheduled for April 6, 2015.)

Commented [CC1]:

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (4-0)** (Motion/Prestage; Second/O'Donnell)(O'Donnell seated for Seder) to schedule this matter for public hearing on Monday, April 6, 2015 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

975 North Main Street – Application (SUP #1230-R1-15) of West Hartford Public Schools & Conard and Hall Unite for Light (Helen Rubino-Turco, Director of Leisure Services, Town of West Hartford) requesting TPZ review pursuant to Section 177-42A(8) of the West Hartford Code of Ordinances of the conditions of SUP #1230 approved on March 4, 2013 for the installation of permanent athletic field lighting at Hall High School Chalmers Stadium Field. (Submitted for TPZ receipt on March 2, 2015. Suggest required public hearing be scheduled for April 6, 2015.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (4-0)** (Motion/Prestage; Second/O'Donnell)(O'Donnell seated for Seder) to schedule this matter for public hearing on Monday, April 6, 2015 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

**PUBLIC HEARING OPENED ON JANUARY 5, 2015 AND CONTINUED TO
FEBRUARY 2, 2015; ADJOURNED AND POSTPONED TO FEBRUARY 9, 2015;
AND FURTHER ADJOURNED AND POSTPONED TO MARCH 2, 2015:**

54 Hillsboro Drive – Application (IWW #1019) of Joan Maradie, R.O., requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. The applicant proposes to construct an approximately 4,000 sf single family house along with associated site improvements. (Submitted for IWWA receipt on November 3, 2014. Determined to be potentially significant and set for public hearing on December 1, 2014. Applicant requested a postponement of the public hearing to January 5, 2015. Public hearing opened on January 5, 2015 and continued to February 2, 2015. Adjourned and postponed to February 9, 2015; and further adjourned and postponed to March 2, 2015 due to inclement weather.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **unanimous vote (4-0)** (Motion/Freeman; Second/Prestage) (O'Donnell seated for Seder) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit to be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

54 HILLSBORO DRIVE
INLAND WETLAND APPLICATION IWW #1019
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **54 Hillsboro Drive** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1019** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application. To support this action, the applicant's professional wetland and soil scientist, Michael S. Klein of Environmental Planning Services, LLC has submitted a report dated January 28, 2015.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;

[3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.

[4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.

[5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel of land is located **54 Hillsboro Drive**.

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements. An additional notation shall be placed on the final plans stating that all required sediment and erosion controls measures shall be designed, installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, DEEP Bulletin 34.
- 3.) Town Engineering Division shall receive copies of all material received by IWWA and DEEP.
- 4.) This IWWA permit approval shall be stripped onto the final set plan.
- 5.) The applicant shall retain a professional engineer to oversee construction of all improvements and related facilities and certify they have been constructed in accordance with the approved plan.
- 6.) The permit shall expire if not exercised within two (2) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

SPECIAL SITE DEVELOPMENT AND EROSION CONTROL CONDITIONS

An integral requirement of this approval is the early installation and construction of all drainage facilities, and all needed erosion and sedimentation control measures. Prior to the start of any construction, related to on-site improvements, site grading or unit construction, the applicant shall install the needed protective measures and shall continuously maintain such throughout the construction process. The requirement of Article VIII, at Section 177-60 through 177-67 of the Code of Ordinances related to Erosion and Sedimentation Control shall govern all site construction activity.

In addition to the above basic requirements, this permit is issued and made subject to the following conditions:

- 1) The applicant shall retain a professional engineer to inspect/oversee construction and the installation/maintenance of the sedimentation and control measures. Inspection shall occur weekly and after each rainstorm and during major storm events to determine all sedimentation and erosion control measures are adequately in place and effective. Biweekly inspection reports shall be provided to the Town Planner and Town Engineer.
- 2) Removal of topsoil will not be permitted until the required siltation/erosion control devices have been installed and inspected by the applicant's engineer. The applicant's engineer shall certify that all erosion and sedimentation controls have been installed according to the approved plan.
- 3) Disturbed areas that will remain idle for extended periods shall be mulched or temporarily seeded for erosion control.
- 4) The top soil will be stockpiled only in an approved location and shall be contained by baled hay or screen filters which will be installed and maintained around the entire perimeter.
- 5) No unnecessary encroachments of construction equipment or vehicles shall be permitted in non-construction areas. Vehicular access to undisturbed

areas of the site is restricted to the minimum necessary to complete erosion control and drainage systems.

- 6) In addition to the measures shown on the plans, additional erosion and sedimentation control measures shall be installed when determined necessary by the Director of Community Services, or his designee.

**OLD BUSINESS SCHEDULED FOR PUBLIC HEARING AND DECISION ON
FEBRUARY 2, 2015; ADJOURNED AND POSTPONED TO FEBRUARY 9, 2015;
AND FURTHER ADJOURNED AND POSTPONED TO MARCH 2, 2015:**

77 Orchard Road – Application (IWW #1023) of Elizabeth and Michael Reilly, R.O.s (Gregory Piecuch, Attorney) requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an on-site soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on January 5, 2015. Required public hearing scheduled for February 2, 2015. Adjourned and postponed to February 9, 2015; and further adjourned and postponed to March 2, 2015 due to inclement weather.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the IWWA acted by **unanimous vote (4-0)** (Motion/Prestage; Second O'Donnell)(O'Donnell seated for Seder) to **APPROVE** the subject application. During its discussion and deliberation on this matter, the Agency made the following findings:

1. The proposed amendment has been prepared by a certified soil scientist and is based on an on-site soil survey following approved wetland identification techniques.
2. A mylar of the approved wetland map amendment shall be provided to the Town Planning Office for filing in the wetland map files. The approved amendment shall also be submitted in electronic format for inclusion into the Town's Geographic Information System.

This notice is given to the West Hartford Town Clerk and to the State of Connecticut Department of Environmental Protection per the requirements of the Inland Wetlands and Watercourses Regulations.

77 Orchard Road - Application (IWW #1024) of Elizabeth and Michael Reilly, R.O.s (Gregory Piecuch, Esq.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. The applicant proposes to construct an approximately 6,000 sf single family home and 800 sf attached garage along with associated site improvements. Site improvements include grading, paved driveway and clearing of trees. The majority of the site is located in the 150' regulated upland review area. (Submitted for IWWA receipt on January 5, 2015. Determined to be potentially significant and set for public hearing on February 2, 2015. Adjourned and postponed to February 9, 2015; and further adjourned and postponed to March 2, 2015 due to inclement weather.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by

unanimous vote (4-0) (Motion/Prestage; Second/Freeman) (O'Donnell seated for Seder) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit to be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

77 ORCHARD ROAD
INLAND WETLAND APPLICATION IWW #1024
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **77 Orchard Road** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1024** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application. To support this action, the applicant's professional engineers from BL Companies, submitted a stormwater management report dated January 19, 2015 and revised on January 28 and February 27, 2015.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;
- [3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.
- [4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.
- [5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;
- [6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.
- [7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and
- [8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel of land is located **77 Orchard Road**.

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, DEEP Bulletin 34.
- 3.) Town Engineering Division shall receive copies of all material received by IWWA and DEEP.
- 4.) This IWWA permit approval shall be stripped onto the final set plan.
- 5.) The applicant shall retain a professional engineer to oversee construction of all improvements and related facilities and certify they have been constructed in accordance with the approved plan.
- 6.) The permit shall expire if not exercised within two (2) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

SPECIAL SITE DEVELOPMENT AND EROSION CONTROL CONDITIONS

An integral requirement of this approval is the early installation and construction of all drainage facilities, and all needed erosion and sedimentation control measures. Prior to the start of any construction, related to on-site improvements, site grading or unit construction,

the applicant shall install the needed protective measures and shall continuously maintain such throughout the construction process. The requirement of Article VIII, at Section 177-60 through 177-67 of the Code of Ordinances related to Erosion and Sedimentation Control shall govern all site construction activity.

In addition to the above basic requirements, this permit is issued and made subject to the following conditions:

- 4) The applicant shall retain a professional engineer to inspect/oversee construction and the installation/maintenance of the sedimentation and control measures. Inspection shall occur weekly and after each rainstorm and during major storm events to determine all sedimentation and erosion control measures are adequately in place and effective. Biweekly inspection reports shall be provided to the Town Planner and Town Engineer.
- 5) Removal of topsoil will not be permitted until the required siltation/erosion control devices have been installed and inspected by the applicant's engineer. The applicant's engineer shall certify that all erosion and sedimentation controls have been installed according to the approved plan.
- 6) Disturbed areas that will remain idle for extended periods shall be mulched or temporarily seeded for erosion control.
- 4) The top soil will be stockpiled only in an approved location and shall be contained by baled hay or screen filters which will be installed and maintained around the entire perimeter.
- 5) No unnecessary encroachments of construction equipment or vehicles shall be permitted in non-construction areas. Vehicular access to undisturbed areas of the site is restricted to the minimum necessary to complete erosion control and drainage systems.
- 6) In addition to the measures shown on the plans, additional erosion and sedimentation control measures shall be installed when determined necessary by the Director of Community Services, or his designee.

77 Orchard Road - Application (SUB # 296) of Elizabeth and Michael Reilly, R.O.s (Gregory Piecuch, Esq.) requesting approval of a subdivision of an approximately 4.45 acre parcel. The proposed lots consist of a 2.45 acre lot with an existing single family home and a new lot of 2.00 acres. The property is located in an R-40 single family zone requiring a minimum lot area of 40,000 sf.

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by unanimous vote **(4-0)** (Motion/Prestage; Second/O'Donnell) (O'Donnell seated for Seder) to **APPROVE** the subject application. Sidewalk waiver request was also granted. During its discussions and deliberations on this matter, the Commission made the following findings:

1. The proposed subdivision is consistent with the requirements of the Subdivision Regulations found in Chapter 184 of the West Hartford Code of Ordinances.
2. Final approved plans shall be submitted in electronic form for inclusion into the Town's Geographic Information System (GIS).
3. The letter of approval shall be stripped onto the final plan set.

TOWN COUNCIL REFERRALS AND REQUEST FOR REPORTS:

Ordinance Permitting the Sale of Alcohol at Golf Courses and Permitting Accessory Snack Bars at Golf Courses and Other Recreational Facilities - (Town Council receipt on February 10, 2015. Town Council public hearing set for March 24, 2015. TPZ receipt on March 2, 2015.)

After a detailed review of the ordinance, the TPZ acted by **unanimous vote (4-0)** (Motion/Prestage; Second/O'Donnell) (O'Donnell seated for Seder) to **RECOMMEND APPROVAL** of the subject ordinance.

Resolution Authorizing Acceptance of Parking Lot Easement - 980A Farmington Avenue - (Town Council receipt on February 10, 2015. TPZ receipt on March 2, 2015.)

After a detailed review of the resolution, the TPZ acted by **unanimous vote (4-0)** (Motion/Prestage; Second/O'Donnell) (O'Donnell seated for Seder) to **RECOMMEND APPROVAL** of the subject resolution.

TOWN PLANNER'S REPORT:

12. **Draft Complete Streets Policy** – Stakeholder outreach and request for feedback on Draft Complete Streets Policy. ***Received.***

INFORMATION ITEMS:

13. Deputy Corporation Counsel - Subdivision Regulations Memo to TPZ. ***Discussed anticipated DEEP stormwater changes.***
14. Town Clerk – Disclosure of Certain Interest From. ***Commissioners need to submit Town Clerk***

U: shareddocs/TPZ/minutes/2015/March2 Final